

## Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 30, 35 and 40 have been amended. Claims 23-29 have been previously canceled. Thus, claims 30-44 are pending.

### CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims were previously rejected as being unpatentable over “A Space-Frequency Transmitter Diversity Technique for OFDM Systems,” Globecomm 2000, IEEE Global Telecommunications Conference by Lee, et al. (*Lee*) in view of U.S. Patent No. 7,224,744 issued to Giannakis, et al. (*Giannakis*).

Claim 1 recites “generating a rate-one, *space-frequency code* matrix from the received content for transmission via the plurality of more than two transmit antennae...” Independent claims 35 and 40 similarly recite generating a rate-one, space-frequency code matrix for transmission via a plurality of more than two transmit antennae.

*Lee* specifically states that a unity coding rate cannot be used with higher order (i.e., more than two antennae) complex orthogonal block codes. See last paragraph of first column on page 1477 (second paragraph of Summary and Discussion section). Therefore, the teaching of *Lee* is not as broad as asserted by the Office action on page 3, paragraph 5. Further, *Giannakis* fails to cure this deficiency of *Lee* whether or not the characterization of *Giannakis* provided in the Office Action is accurate. Therefore, no combination of *Lee* and *Giannakis* can teach or suggest the invention as recited in claims 30, 35 and 40.

The remaining claims are dependent claims. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that the dependent claims are not rendered obvious by *Lee* and *Gianakis* for at least the reasons set forth above.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 30-44 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: August 8, 2008

/Paul A. Mendonsa/  
Paul A. Mendonsa  
Attorney for Applicant  
Reg. No. 42,879

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 439-8778